

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAURITZEN BULKERS A/S,

Plaintiff,

-against-

JIT INTERNATIONAL CORP. LTD. *et ano.*

Defendants.  
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13 Civ. 3982 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

Garnishee bank HSBC USA and Defendant JIT International move to vacate this Court's June 12, 2013 Maritime Attachment Order.

"[I]f, at any point, a plaintiff in a maritime attachment case ceases to be able to satisfy the requirements of Rule B, a district court may—and indeed should—revisit and vacate any orders of attachment." Sinoying Logistics PTE Ltd. v. Yi Da Xin Trading Corp., 619 F.3d 207, 212 (2d Cir. 2010). Plaintiff is under a continuing burden to demonstrate that Defendant's property can be found within the district. See Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte Ltd., 585 F.3d 58, 69 (2d Cir. 2009).

Plaintiff argues that it should be permitted to attach assets from The Hong Kong and Shanghai Banking Corporation Limited's correspondent account with HSBC USA because that account is held for the benefit of JIT, International. But that argument sweeps too broadly and is not supported by the record. By Plaintiff's logic, certain accounts can be attached simply because a domestic bank has a relationship with a foreign bank that holds an account for a Defendant. The Second Circuit forbids this kind of overreaching because, among other

concerns, it would threaten “New York’s standing as an international financial center.” See Jaldhi, 585 F.3d at 71.

Regardless, HSBC USA has declared that it holds no accounts in JIT’s beneficial interest and JIT has declared that it has no property in the district. Plaintiff’s speculation to the contrary does not satisfy the requirements of Rule B. Accordingly, this Court vacates its June 12, 2013 Maritime Attachment Order.

Dated: August 9, 2013  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

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